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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,793	03/23/2001	Marvin P. Loeb	123EMED-100	2690
7590	04/29/2005		EXAMINER	
IP Focus Law Group, Ltd. 608 North Carlyle, Suite 100 Arlington Heights, IL 60004			NAJARIAN, LENA	
			ART UNIT	PAPER NUMBER
			3626	
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/815,793	LOEB, MARVIN P.
	Examiner	Art Unit
	Lena Najarian	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 March 2001.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-46 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20010828</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-21, 23, 27-29, 31, 33, 35, 38-42, and 45-46 are rejected under 35

U.S.C. 102(b) as being anticipated by Tallman et al. (5,764,923).

(A) Referring to claim 14, Tallman discloses a computerized method for facilitating the utilization of a medical device for a device-dependent procedure suitable for treating a medical condition, the method comprising (col. 7, lines 60-63 of Tallman; the Examiner interprets “equipment” to be a form of “device”):

maintaining a computerized data directory of a plurality of procedure-qualified medical service providers (col. 36, line 66 – col. 37, line 9 and col. 45, lines 14-17 of Tallman; the Examiner interprets “list” to be a form of “directory” and “credentials” to be a form of “qualified”);

providing a user interface to said data directory through a wide access communication network for exchanging data with a user (col. 3, lines 44-58 of Tallman; the Examiner interprets “interaction” to be a form of “exchanging”);

receiving from said user via said user interface an inquiry pertaining to a medical condition (col. 2, lines 46-57 of Tallman; the Examiner interprets “questions” to be a form of “inquiry”);

querying said data directory with said inquiry and obtaining a result (col. 2, lines 46-57 of Tallman; the Examiner interprets “recommendation” to be a form of “result”); and

communicating said result to said user via said user interface (col. 2, lines 46-57 of Tallman; the Examiner interprets “display” to be a form of “user interface”).

(B) Referring to claim 15, Tallman discloses receiving from said user via said user interface a user health insurance plan and wherein said provider directory includes data associating said plurality of procedure-qualified medical service providers to accepted health insurance plans (Fig. 12 and Fig. 54 of Tallman; the Examiner interprets “Kaiser” to be a form of “health insurance plan”).

(C) Referring to claim 16, Tallman discloses wherein said inquiry includes a medical condition of concern to said user and said result includes a message identifying a device-dependent medical procedure for said medical condition of concern (col. 5, lines 28-38 and 57-65 of Tallman; the Examiner interprets “surgical intervention” to be a form of “device-dependent medical procedure”).

(D) Referring to claim 17, Tallman discloses wherein said message further includes the identification of a procedure-qualified medical service provider for said device-dependent medical procedure (col. 5, lines 8-17 and 61-65 of Tallman; the Examiner interprets “matching” to be a form of “identification”).

(E) Referring to claim 18, Tallman discloses wherein said message further includes contact information for a plurality of procedure-qualified medical service providers for said device-dependent medical procedure (col. 43, lines 40-67 and col. 46, lines 15-19

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of Tallman; the Examiner interprets “telephone number” to be a form of “contact information”).

(F) Referring to claim 19, Tallman discloses wherein said inquiry includes a user location identifier for preferentially selecting procedure-qualified service providers with locations near said user (Fig. 12, col. 5, lines 14-17, and Fig. 48 of Tallman; the Examiner interprets “zip code” to be a form of “location identifier”).

(G) Referring to claim 20, Tallman discloses wherein said user location identifier is a user telephone area code number or a unique telephone number (col. 16, lines 61-63 of Tallman).

(H) Referring to claim 21, Tallman discloses wherein said user location identifier is a user ZIP code (col. 5, lines 11-17 of Tallman).

(I) Referring to claim 23, Tallman discloses maintaining a referral database by recording each said inquiry and each said result (col. 46, lines 55-59 of Tallman; the Examiner interprets “save the information” to be a form of “recording”).

(J) Referring to claim 27, Tallman discloses wherein said plurality of medical service providers includes a physician (col. 11, lines 42-53 of Tallman).

(K) Referring to claim 28, Tallman discloses wherein said plurality of medical service providers includes a hospital (col. 5, lines 8-11 of Tallman).

(L) Referring to claim 29, Tallman discloses wherein said plurality of medical service providers includes an outpatient surgery center (col. 5, lines 53-65 of Tallman; the Examiner interprets “MRI scans” to be a form of “outpatient” activity).

(M) Referring to claim 31, Tallman discloses wherein said wide access communication network is a public telephone switching network (col. 3, lines 44-50 of Tallman).

(N) Referring to claim 33, Tallman discloses a computerized method for facilitating the utilization of a less invasive medical procedure for treating a medical condition, the method comprising (col. 6, lines 16-18 of Tallman):

maintaining a computerized data directory of a plurality of medical service providers qualified to perform said medical procedure (col. 36, line 66 – col. 37, line 9 and col. 45, lines 14-17 of Tallman; the Examiner interprets “list” to be a form of “directory” and “credentials” to be a form of “qualified”);

providing a user interface to said data directory through a wide access communication network for exchanging data with a user (col. 3, lines 44-58 of Tallman; the Examiner interprets “interaction” to be a form of “exchanging”);

receiving from said user via said user interface an inquiry pertaining to medical procedures for a medical concern, said inquiry including a user location identifier (col. 2, lines 46-57 and col. 5, lines 14-17 of Tallman; the Examiner interprets “zip code” to be a form of “location identifier”);

querying said data directory with said inquiry and obtaining a result (col. 2, lines 46-57 of Tallman; the Examiner interprets “recommendation” to be a form of “result”); and

communicating said result to said user via said user interface (col. 2, lines 46-57 of Tallman; the Examiner interprets “display” to be a form of “user interface”).

(O) Referring to claim 35, Tallman discloses wherein said data directory is resident on a call-server computer and said access route is a telephone number (col. 3, lines 44-58 of Tallman).

(P) Referring to claim 38, Tallman discloses a computerized method for facilitating the utilization of a plurality of different medical devices utilized in device-dependent medical treatments for a plurality of different medical conditions, the method comprising (col. 5, line 61 – col. 6, line 2 and col. 3, line 66 – col. 4, line 3 of Tallman):

maintaining a provider database including a conditions directory of different medical conditions for which a device-dependent treatment is available utilizing a medical device and a provider directory of device-qualified medical providers for each said device-dependent treatment (col. 7, lines 8-16 and 60-63 of Tallman; the Examiner interprets “equipment” to be a form of “device”);

providing a user interface to said provider database through a wide access communication network for exchanging data with a user (col. 6, line 66 – col. 7, line 7 and col. 3, lines 44-58 of Tallman);

receiving from said user an inquiry pertaining to treatment options for a medical condition;

querying said provider database with said received inquiry and obtaining a result; and communicating said result to said user via said user interface (col. 6, line 47 – col. 7, line 10 of Tallman).

(Q) Claim 39 repeats the same limitations of claim 16, and is therefore rejected for the same reasons given for that claim.

(R) Referring to claim 40, Tallman discloses wherein said message further includes the identification of a device-qualified medical service provider for said device-dependent medical treatment (col. 5, lines 8-17 and 61-65 of Tallman; the Examiner interprets "matching" to be a form of "identification" and "surgical intervention" to be a form of "device-dependent medical treatment").

(S) Referring to claim 41, Tallman discloses wherein said inquiry includes a medical condition of concern to said user and said result includes a message that no provider of the device-dependent medical treatment in the user's locality or accepting the users health plan could be identified (Fig. 54 of Tallman).

(T) Claim 42 repeats the same limitations of claim 15, and is therefore rejected for the same reasons given for that claim.

(U) Referring to claim 45, Tallman discloses wherein said receiving from said user via said user interface an inquiry pertaining to a medical condition includes the steps of: responding to an access to said user interface with a menu of medical conditions; and receiving from said user via said user interface a selection from said menu (Fig. 52 and col. 41, lines 12-18 of Tallman).

(V) Referring to claim 46, Tallman discloses a computerized method for facilitating the utilization of a medical procedure requiring a specialized medical device, the method comprising:

providing a computerized data directory of a plurality of medical service providers equipped with said specialized medical device and qualified to perform said device-

dependent medical procedure (col. 7, lines 58-65 and col. 5, lines 18-19 of Tallman; the Examiner interprets "clinical expertise" to be a form of "qualified");

providing a user interface to said data directory through a wide access communication network for exchanging data with a user (col. 3, lines 44-58 of Tallman; the Examiner interprets "interaction" to be a form of "exchanging");

receiving from said user via said user interface an inquiry pertaining to medical procedures for a medical concern and a user location identifier (col. 2, lines 46-57 and col. 5, lines 14-17 of Tallman; the Examiner interprets "zip code" to be a form of "location identifier");

querying said data directory with said inquiry and obtaining a result; and communicating said result to said user via said user interface (col. 2, lines 46-57 of Tallman).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 11-13, 30, and 36-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman et al. (5,764,923) in view of Chishti et al. (US 2002/0133386 A1).

(A) Referring to claim 1, Tallman discloses a computerized method for facilitating the utilization of a device-dependent medical procedure for a medical condition, the method comprising (col. 3, lines 51-58, col. 7, lines 60-63, and col. 5, lines 57-65; the Examiner interprets "surgical intervention" to be a form of "device-dependent medical procedure" and "lower back pain" to be a form of "medical condition"):

providing a computer message server including a stored, predefined message pertaining to said medical procedure and a stored provider directory of a plurality of procedure-qualified medical service providers (col. 36, line 61 – col. 37, line 9, col. 45, lines 37-40, and col. 45, lines 14-17 of Tallman; the Examiner interprets "list" to be a form of "directory");

providing a user interface linkage to said computer message server over a wide access communication network for exchanging data with a user (col. 3, lines 44-58 of Tallman; the Examiner interprets "interaction" to be a form of "exchanging");

receiving from said user via said user interface linkage a user location identifier (col. 5, lines 11-17 of Tallman; the Examiner interprets "zip code" to be a form of "location identifier");

querying said provider directory with said user location identifier and obtaining a result, said result including contact information for at least one of said plurality of procedure-qualified medical service providers (col. 43, lines 40-67 and col. 46, lines 15-19 of Tallman); and

communicating said result to said user via said user interface linkage (col. 43, lines 40-67 of Tallman).

Tallman does not disclose advertising publicly an access route to said user interface linkage together with an ad message about said medical condition.

Chishti discloses advertising publicly an access route to said user interface linkage together with an ad message about said medical condition (para. 4 of Chishti).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Chishti within Tallman. The motivation for doing so would have been to inform patients of the availability and advantages of specific types of treatments (para. 4 of Chishti).

(B) Referring to claim 2, Tallman discloses wherein said result is a result message including a list of procedure-qualified medical service providers in an order according to proximity to said user based on said user location identifier (col. 5, lines 14-17 and Fig. 48 of Tallman).

(C) Referring to claim 3, Tallman does not disclose wherein said computer message server is an Internet server.

Chishti discloses wherein said computer message server is an Internet server (para. 28 and para. 34 of Chishti).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Chishti within Tallman. The motivation for doing so would have been to provide the simplicity of responding to internet or e-mail inquiries (para. 28 of Chishti).

(D) Referring to claim 4, Tallman does not disclose wherein said computer message server is an Internet server including HTML files for generating user displays, wherein

said stored, predefined messages are files including text, and wherein said user interface linkage is an operable connection between said Internet server and said Internet.

Chishti discloses wherein said computer message server is an Internet server including HTML files for generating user displays, wherein said stored, predefined messages are files including text, and wherein said user interface linkage is an operable connection between said Internet server and said Internet (para. 32 of Chishti; the Examiner interprets “website” to be a form of “HTML files”).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Chishti within Tallman. The motivation for doing so would have been to provide information in various forms, such as e-mail, facsimile, or other electronic means (para. 32 of Chishti).

(E) Referring to claim 5, Tallman discloses wherein said computer message server is a telephone message server, wherein said stored, predefined messages are audio message files and said user interface linkage is an operable connection between said telephone message server and a public telephone switching network (col. 3, lines 46-50 and col. 13, lines 24-48 of Tallman).

(F) Referring to claim 7, Tallman discloses maintaining a referral database by recording each said location and each said result obtained therefrom (col. 46, lines 55-59 and col. 39, lines 35 of Tallman; the Examiner interprets “save the information” to be a form of “recording”).

(G) Referring to claim 11, Tallman discloses receiving from said user via said user interface linkage a user health insurance plan and wherein said provider directory includes data associating said plurality of procedure-qualified medical service providers to accepted health insurance plans (Fig. 12 and Fig. 54 of Tallman; the Examiner interprets "Kaiser" to be a form of "health insurance plan").

(H) Referring to claim 12, Tallman discloses wherein said user location identifier is a telephone area code or a unique telephone number (col. 16, lines 61-63 of Tallman).

(I) Referring to claim 13, Tallman discloses wherein said user location identifier is a user ZIP code (col. 5, lines 11-17 of Tallman).

(J) Referring to claim 30, Tallman does not disclose wherein said wide access communication network is the Internet.

Chishti discloses wherein said wide access communication network is the Internet (para. 4 of Chishti).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Chishti within Tallman. The motivation for doing so would have been to provide an additional way for patients to use the system (para. 4 of Chishti).

(K) Referring to claims 36 and 37, Tallman does not disclose wherein said data directory is resident on an Internet server computer and said access route is an Internet website domain name and wherein said data directory is resident on an Internet server computer and said access route is an Internet e-mail address.

Chishti discloses wherein said data directory is resident on an Internet server computer and said access route is an Internet website domain name and wherein said data directory is resident on an Internet server computer and said access route is an Internet e-mail address (para. 4, para. 32, lines 11-18, and para. 34 of Chishti).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Chishti within Tallman. The motivation for doing so would have been to have the capability to respond to inquiries in an automated fashion (para. 28 of Chishti).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman et al. (5,764,923) in view of Chishti et al. (US 2002/0133386 A1), and further in view of Spine-Health.com (<http://www.spine-health.com>).

(A) Referring to claim 6, Tallman and Chishti do not disclose charging a subscription fee to a medical service provider for including said medical service provider in said provider directory.

Spine-Health.com discloses charging a subscription fee to a medical service provider for including said medical service provider in said provider directory (para. 4 of Spine-Health.com).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Spine-Health.com within Tallman and Chishti. The motivation for doing so would have been to reimburse the directory for bringing customers/patients (para. 3 of Spine-Health.com).

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman et al. (5,764,923) in view of Chishti et al. (US 2002/0133386 A1), and further in view of Hopkins (US 2002/0032580 A1).

(A) Referring to claim 8, Tallman and Chishti do not disclose charging a per referral fee to a medical service provider included in said provider directory when said result includes said medical service provider.

Hopkins discloses charging a per referral fee to a medical service provider included in said provider directory when said result includes said medical service provider (para. 15 of Hopkins; the Examiner interprets "fee per patient" to be a form of "per referral fee").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman and Chishti. The motivation for doing so would have been to form an agreement that allows both the directory and the providers to benefit from (para. 15 of Hopkins).

(B) Referring to claim 9, Tallman and Chishti do not disclose charging a per inquiry fee to a medical device seller of said medical device for each said result communicated to said user.

Hopkins discloses charging a per inquiry fee to a medical device seller of said medical device for each said result communicated to said user (para. 15 and para. 23 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman and Chishti. The

motivation for doing so would have been to form an agreement that allows both the directory and the supplier/seller to benefit from (para. 15 of Hopkins).

(C) Referring to claim 10, Tallman and Chishti do not disclose charging a commission fee to a medical device seller of said medical device for each sale of said medical device.

Hopkins discloses charging a commission fee to a medical device seller of said medical device for each sale of said medical device (para. 15 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman and Chishti. The motivation for doing so would have been to form an agreement that allows both the directory and the supplier/seller to benefit from (para. 15 of Hopkins).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman et al. (5,764,923) in view of Spine-Health.com (<http://www.spine-health.com>).

(A) Referring to claim 22, Tallman does not disclose charging a subscription fee to a medical service provider for including said medical service provider in said provider directory.

Spine-Health.com discloses charging a subscription fee to a medical service provider for including said medical service provider in said provider directory (para. 4 of Spine-Health.com).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Spine-Health.com within Tallman. The

motivation for doing so would have been to reimburse the directory for bringing customers/patients (para. 3 of Spine-Health.com).

8. Claims 24-26, 32, 34, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman et al. (5,764,923) in view of Hopkins (US 2002/0032580 A1).  
(A) Referring to claim 24, Tallman does not disclose charging a per referral fee to a medical service provider included in said data directory when said result includes said medical service provider.

Hopkins discloses charging a per referral fee to a medical service provider included in said data directory when said result includes said medical service provider (para. 15 of Hopkins; the Examiner interprets "fee per patient" to be a form of "per referral fee").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman. The motivation for doing so would have been to form an agreement that allows both the directory and the providers to benefit from (para. 15 of Hopkins).

(B) Referring to claim 25, Tallman does not disclose charging a per inquiry fee to a medical device seller of said medical device for each said result communicated to said user.

Hopkins discloses charging a per inquiry fee to a medical device seller of said medical device for each said result communicated to said user (para. 15 and para. 23 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman. The motivation for doing so would have been to form an agreement that allows both the directory and the supplier/seller to benefit from (para. 15 of Hopkins).

(C) Referring to claim 26, Tallman does not disclose charging a commission fee to a medical device seller of said medical device for each sale of said medical device.

Hopkins discloses charging a commission fee to a medical device seller of said medical device for each sale of said medical device (para. 15 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman. The motivation for doing so would have been to form an agreement that allows both the directory and the supplier/seller to benefit from (para. 15 of Hopkins).

(D) Referring to claim 32, Tallman does not disclose wherein the step of providing a user interface to said data directory through a wide access communication network includes simultaneously providing an operable link between said data directory and both the Internet and a public telephone switching network.

Hopkins discloses wherein the step of providing a user interface to said data directory through a wide access communication network includes simultaneously providing an operable link between said data directory and both the Internet and a public telephone switching network (para. 9, lines 10-21 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Hopkins within Tallman. The motivation for

doing so would have been to provide a system that is available to the public worldwide (para. 9, lines 16-18 of Hopkins).

(E) Referring to claim 34, Tallman does not disclose publicly advertising an access route to said user interface and said medical condition.

Hopkins discloses publicly advertising an access route to said user interface and said medical condition (para. 26 and para. 27, lines 1-4 of Hopkins).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman. The motivation for doing so would have been to provide a way to reach prospective patients (para. 26 of Hopkins).

(F) Referring to claim 43, Tallman does not disclose charging a per referral fee to said qualified medical service providers included in said provider directory when said result includes said medical service provider.

Hopkins discloses charging a per referral fee to said qualified medical service providers included in said provider directory when said result includes said medical service provider (para. 15 and para. 14 of Hopkins; the Examiner interprets “fee per patient” to be a form of “per referral fee” and “specialize” to be a form of “qualified”).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Hopkins within Tallman. The motivation for doing so would have been to form an agreement that allows both the directory and the providers to benefit from (para. 15 of Hopkins).

(G) Claim 44 repeats the same limitations of claim 25, and is therefore rejected for the same reasons given for that claim.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited not applied prior art teaches a system and method for accessing medical or consulting services (US 2002/0069087 A1); a method and apparatus for on-line retailing of insurance goods and services (US 2001/0037265 A1); a personalized health care provider directory (6,014,629); and a method and system for interactive collection of information (US 2002/0133502 A1).

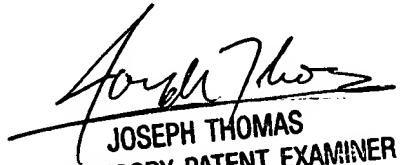
Also included is provisional application 60/200,049, which is a priority document to applied reference US 2002/0032580 A1 (Hopkins).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is (571) 272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600